

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO.1480 OF 2006
IN
FIRST APPEAL NO.406 OF 2006

Mrs Padmini Digambar More
Vs.
Smt Sangeeta Sharad More & Ors.

...Applicant
...Respondents

Shri Salunke i/by Shri P.B. Shah for the Applicant.

**CORAM : A. S. OKA, J.
DATE : AUGUST 02, 2006.**

P.C.:

1. Rule. The Advocate for the Respondents waive service. Taken up for hearing forthwith. The First Appeal is admitted for final hearing. The first Respondent appears to have received a sum of Rs.8 lakhs from the Central Government and a sum of Rs. 5 lakhs from the State Government. Prima facie the Applicant has no share in the amount which is received by the first Respondent from the State Government. In so far as the amount received from the Central Government is concerned, there is some material on record to show that the Applicant and her husband will be entitled to 40% share. Therefore, the Applicant's share will be Rs.2 lakhs which will have to be secured till final disposal of the Appeal.

2. It is not in dispute that the first Respondent has invested a sum of Rs.5 lakhs in Kisan Vikas Patra. A sum of Rs.1 lakh has been invested in ten Kisan Vikas Patras bearing No.48 CC 985910 to 985919 and other sum of Rs.1 lakh has been invested in Kisan Vikas Patras bearing Nos.87CC 985920 and 985929. Interests of justice will be served if the first Respondent is restrained from encashing the said Kisan Vikas Patras without prior permission of this court. To ensure that the order is complied with, the first Respondent will deposit the said 20 Kisan Vikas Patras with the Registrar (Judicial I) of this Court. At the time of maturity both the parties are at liberty to move this court for further investment of the amounts covered by the Kisan Vikas Patras.

3. Hence, Civil Application is disposed of by passing following order:

(i) Till the final disposal of the Appeal the first Respondent is restrained from encashing Kisan Vikas Patras bearing Nos.48 CC 985910 to 985919 and 87CC 985920 and 985929.

- (ii) Within period of three weeks from today the first Respondent will deposit the said Kisan Vikas Patras in original with the Registrar (Judicial I) of this Court for safe custody.
- (iii) Both the parties are free to apply to this court for investment of the amount covered by the said Kisan Vikas Patras after the date of maturity.
- (iv) It is clarified that all further actions of the first Respondent will be subject to final outcome of the Appeal.
- (v) There will be no orders as to costs.

JUDGE